

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)
)
Plaintiff,)
) **Jury Trial Demanded**
v.)
)
FEDERAL INSURANCE COMPANY,)
an Indiana corporation and ACE)
AMERICAN INSURANCE COMPANY,)
a Pennsylvania corporation,)
)
Defendants.)
)

**DECLARATION OF HEATHER KLIEBENSTEIN IN SUPPORT OF
PLAINTIFF’S REPLY TO ITS MOTION TO
EXCLUDE TESTIMONY OF W. CHRISTOPHER BAKEWELL**

I, Heather Kliebenstein, declare as follows:

1. I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.

2. I make this Declaration on my own information, knowledge, and belief in support of Plaintiff's Fair Isaac Corporation's Reply in Support of Its Motion to Exclude Testimony of W. Christopher Bakewell.

3. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the January 16, 2019 deposition transcript of M. William Paul Waid. This document is filed UNDER SEAL.

4. Attached hereto as Exhibit 2 is a true and correct copy of the March 26, 2013 confidential settlement agreement and release between Oracle America, Inc. and Fair Isaac Corporation. This document is marked as Deposition Exhibit 428 and produced in this matter as FICO0038508-FICO0038514. This document is filed UNDER SEAL.

5. Attached hereto as Exhibit 3 are true and correct copies of excerpts from the April 2, 2019 deposition transcript of William Waid. This document is filed UNDER SEAL.

6. Attached hereto as Exhibit 4 is a true and correct copy of the March 11, 2017 settlement agreement and release between Dell USA, L.P. and Fair Isaac Corporation. This document is marked as Deposition Exhibit 427 and produced in this matter as FICO0016269-FICO0016285. This document is filed UNDER SEAL.

7. Attached hereto as Exhibit 5 is a true and correct copy of Federal Insurance Company's Seventh Supplemental Answer to Plaintiff's Interrogatory No. 17, dated July 16, 2019. This document is filed UNDER SEAL.

8. Attached hereto as Exhibit 6 is a true and correct copy of Federal Insurance Company's Sixth Supplemental Answer to Plaintiff's Interrogatory No. 18, dated March 21, 2019. This document is filed UNDER SEAL.

9. Attached hereto as Exhibit 7 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 19, dated March 2, 2019. This document is filed UNDER SEAL.

10. Attached hereto as Exhibit 8 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 20, dated March 21, 2019. This document is filed UNDER SEAL.

11. Attached hereto as Exhibit 9 are true and correct copies of excerpts from the March 25, 2019 deposition transcript of Kevin Harkin. This document is filed UNDER SEAL.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: September 9, 2019

/s/ Heather Kliebenstein
Heather Kliebenstein